

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)	2:17-CR-021-JCM-(GWF)
Plaintiff,	ļ	
v.	{	Preliminary Order of Forfeiture
TOMASZ MARCINIAK,	į	
Defendant.	}	

This Court finds that defendant Tomasz Marciniak pled guilty to Count One of a Five-Count Third Superseding Criminal Indictment charging him with Conspiracy to Commit Mail Fraud and Wire Fraud in Connection with Telemarketing in violation of Title 18, United States Code, Sections 1341, 1343, and 1349. Third Superseding Criminal Indictment, ECF No. 129; Change of Plea, ECF No. ; Plea Agreement, ECF No. .

This Court finds defendant Tomasz Marciniak agreed to the imposition of the in personam criminal forfeiture money judgment of \$54,968.83 set forth in the Plea Agreement and the Forfeiture Allegations of the Third Superseding Criminal Indictment, not to be held jointly and severally liable with any codefendants and the collected money judgment amount between all codefendants is not to exceed \$3,300,000. Third Superseding Criminal Indictment, ECF No. 129; Change of Plea, ECF No. ; Plea Agreement, ECF No. .

The in personam criminal forfeiture money judgment is (1) any property, real or personal, which constitutes or is derived from proceeds traceable to violations of Title 18, United States Code, Sections 1341 and 1343, specified unlawful activities as defined in Title 18, United States

Code, Sections 1956(c)(7)(A) and 1961(1)(B), or Title 18, United States Code, Section 1349, 1 conspiracy to commit such offenses and (2) any real or personal property constituting, derived 2 from, or traceable to the gross proceeds obtained directly or indirectly as a result of violations of 3 Title 18, United States Code, Sections 1341 and 1343, or of Title 18, United States Code, Section 4 1349, conspiracy to commit such offenses, and is subject to forfeiture pursuant to Title 18, 5 United States Code, Section 981(a)(1)(C) with Title 28, United States Code, Section 2461(c); 6 Title 18, United States Code, Section 982(a)(8)(B); and Title 21, United States Code, Section 7 853(p). 8 This Court finds that Tomasz Marciniak shall pay an in personam criminal forfeiture 9 money judgment of \$54,968.83 to the United States of America, pursuant to Fed. R. Crim. P. 10 32.2(b)(1) and (2); Title 18, United States Code, Section 981(a)(1)(C) with Title 28, United 11 States Code, Section 2461(c); Title 18, United States Code, Section 982(a)(8)(B); and Title 21, 12 United States Code, Section 853(p). 13 This Court finds that the United States of America may amend this order at any time to 14 add subsequently located property or substitute property to the forfeiture order pursuant to Fed. 15 R. Crim. P. 32.2(b)(2)(C) and 32.2(e). 16 The in personam criminal forfeiture money judgment complies with *Honeycutt v. United* 17

The in personam criminal forfeiture money judgment complies with *Honeycutt v. United States*, ___U.S.___, 137 S. Ct. 1626 (2017).

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the United States recover from Tomasz Marciniak an in personam criminal forfeiture money judgment of \$54,968.83.

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IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention Asset Forfeiture Unit.

DATED this Cday of July , 2018.

UNITED STATES DISTRICT JUDGE